

REMARKS/ARGUMENTS

Claims 36, 40-50, 54, 55, 59-67, 71 and 73-78 are pending. By this Amendment, claims 36, 40-50, 54, 55, 59 and 67 are amended, and claims 73-78 are added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

In the Office Action, the drawings were objected to based on failure to show the subject matter of claim 51. In a companion rejection, claim 51 was rejected under 35 U.S.C. §112, first paragraph. By this Amendment, claims 51 has been canceled thereby obviating the rejection.

Claims 51 and 59 were rejected under 35 U.S.C. §112, second paragraph. Claim 51 has been canceled, and claim 59 has been amended for clarity only to specify that the length is substantially the same as the length of the first greater panel along the first longitudinal crease.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 36, 39-45, 49, 52, 53 and 72 were rejected under 35 U.S.C. §102(b) over Rous (U.S. Patent No. 3,722,783). This rejection is respectfully traversed.

Claim 36 is directed to a stiff packet with a hinged lid for cigarettes, wherein said packet comprises a containing body closed at the top by a lid hinged on the containing body and said lid is rotationally movable between a closed position and an open position, and wherein said packet is delimited by a wall arrangement comprising a substantially flat front wall, a substantially flat rear wall and a pair of shaped side walls that protrudes towards the exterior of said container, each shaped side wall being connected to said front wall along a first edge, and to said rear wall along a second edge, each shaped side wall comprising an outer shaped panel attached to an inner shaped panel, wherein said packet comprises a stiffening element arranged to stiffen said shaped side walls, wherein said stiffening element comprises a substantially flat stiffening wall extending from said first edge to said second edge, said stiffening element being spaced from the

corresponding shaped side wall and having a length substantially the same as a longitudinal dimension of said shaped side wall, said length and said longitudinal dimension being measured parallel to said first edge, such that said front wall, said rear wall and said stiffening walls define an empty space which corresponds to the shape of a composition of cigarettes to be introduced inside the packet and said packet further comprises a gap between each shaped side wall and its corresponding stiffening wall.

Rous does not teach or disclose at least the following features from independent claim 36:

- a hinged lid packet for cigarettes;
- a stiffening element arranged to stiffen the shaped walls comprising a flat stiffening wall extending from said first edge to said second edge;
- said stiffening element having a length substantially the same as a longitudinal dimension of said shaped side wall; and
- said front wall, said rear wall and said stiffening walls define an empty space which corresponds to the shape of a composition of cigarettes to be introduced inside the packet.

By contrast, Rous discloses a carton to protect the contents of the carton from injury, with a pair of tabs formed from a cut out portion of the bottom wall. In particular, the tabs are constructed from a portion of the carton which is in the middle of the bottom wall 12, cut out on three sides and hingedly connected to the bottom wall 12 (column 1, lines 50-55 of Rous). Even if the flaps 22 constitute a stiffening element, each flap 22 of Rous does not extend from the first edge to the second edge, as clearly shown in Figure 6. In particular, only one end of each flap 22 is positioned at an edge of the container. The other end of the flap is in the middle of the bottom wall 12, where the hinge of the flap is positioned.

In addition, each flap 22 of Rous does not have a length which is substantially the same as the longitudinal dimension of the shaped side wall. Rather, each flap has a limited length W, as clearly shown in Figure 1. As each flap is obtained from a middle portion of the carton with the same material of the bottom wall 12 and of inner flaps 14A, each flap 22 has to be smaller than end flaps 14, otherwise crease 13 would not exist.

In addition, Rous does not teach or suggest a packet comprising a container body closed at the top by a lid hinged on the containing body, in which said lid is rotationally movable between a closed position and an open position, as recited in claim 36. Rather, Rous discloses a side flap outer portion 20B with a strip of glue and a tear strip 26, which, when the closed carton has to be opened, engages a corresponding recess 28 to permit a portion the tear strip 26 to be pushed downwardly (Rous, column 4, lines 30-48).

In addition, Rous does not teach or suggest the subject matter of new claims 73-78. For example, independent claim 73 specifies that each stiffening wall has a first end portioned at the first edge and a second end positioned at the second edge. In Rous, the stiffening wall 22 has only one end that is positioned at an edge, while the other end is positioned along a middle portion of bottom wall 12, as shown in Figure 4.

Dependent claims 74-78 set forth additional features which distinguish over Rous.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 54-57 and 59-70 were rejected under 35 U.S.C. §102(b) over Draghetti (U.S. Patent No. 6,484,930). This rejection is respectfully traversed.

Claim 54 is directed to a foldable blank for forming a hinged-lid packet of cigarettes, comprising a first greater panel, a second greater panel, external panels provided at opposite sides of said second greater panel, a longitudinal panel and a further longitudinal panel

respectively arranged on opposite sides of said first greater panel parallel to said first greater panel, a pair of longitudinal strips each having a longitudinal side in common respectively with said longitudinal panel or with said further longitudinal panel, wherein said longitudinal panel and said further longitudinal panel are each subdivided into a first zone having a side in common with said first greater panel and a second zone having a side in common with the corresponding longitudinal strip, a first longitudinal crease separating said first zone from said second zone, a second longitudinal crease separating said longitudinal strip from said second zone, wherein said first zone has a transverse extend and said second zone has a further transverse extend measured perpendicular to an axis along which said longitudinal panel extends and wherein said first greater panel is interposed between a first transverse panel and a second transverse panel lying on opposite sides of said first greater panel along said longitudinal axis and wherein said first transverse panel and said second transverse panel extend parallel to said axis by a quantity substantially corresponding to said further transverse extend of said second zone.

In the Office Action, the Examiner interpreted Draghetti to have a first zone (shaded area) and a second zone (non-shaded area). The rejection is respectfully traversed as the non-shaded area of the longitudinal strip of Draghetti is only useful to provide a flat portion in the greater panel such as when the packet is erected the corner of the packet is both rounded and partially flat. Nevertheless, the extension of the flat portion is not defined in the description and the "non-shaded zone" is appears to be an incidental disclosure.

In order to avoid this possible interpretation, claim 54 has been amended. In particular, Draghetti does not teach or disclose that the first zone has a transverse extent and said second zone has a further transverse extent measured perpendicular to an access along which said longitudinal panel extends. In addition, Draghetti does not teach or disclose that the first

transverse panel and the second transverse panel extend parallel to said access by a quantity substantially corresponding to said further transverse extent of said second zone.

By specifying that the extent of the second zone corresponds to the extent of the transverse panels, it is not possible for the Examiner to read the "non-shaded zone" of Draghetti onto the second zone of claim 54.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 44-46 were rejected under 35 U.S.C. §103(a) over Rous in view of Evans (U.S. Patent No. 2,028,276). This rejection is respectfully traversed at least because claims 46-48 depend from claim 36, either directly or indirectly, and are patentable by virtue of that dependency. In addition, Evans does not teach the features missing from Rous as described above.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4462-23.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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